

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-7 are pending in the present application, Claims 1-3, 5, and 6 having been amended, and Claim 7 having been added. Support for the amendments to Claims 1-3, 5, and 6 is found, for example, in Fig. 3. Support for new Claim 7 is found, for example, in Fig. 3. Thus, no new matter is added.

In the outstanding Office Action, the drawings were objected to for not showing every feature in the claims; the specification was objected to; Claims 1-6 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement; Claims 1-6 were rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention; Claims 1 and 6 were rejected under 35 U.S.C. §103(a) as unpatentable over Nakamori (U.S. Patent Publication No. 2002/0066606); Claims 2 and 4 were rejected under 35 U.S.C. §103(a) as unpatentable over Nakamori in view of Scaduto (U.S. Patent No. 5,686,818); Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Nakamori in view of Lamoreaux (U.S. Patent No. 4,655,307); and Claim 5 was rejected under 35 U.S.C. §103(a) as unpatentable over Nakamori in view of Muller-Werth (U.S. Patent No. 4,277,737).

With respect to the objection to the drawings for not showing every element of the claims, Applicant respectfully submits that this objection is moot in view of the amendments to Claims 1 and 3. Claim 1 is amended to remove “the front and rear wheels driven via a rotation of a rear wheel axle extending from a gear case connected to a driving motor.” Claim 1 now recites “the rear wheels connected to a rear wheel axle extending from a gear case connected to a motor,” which is clearly shown in the figures.

Claim 3 is amended to remove “said motor disposed above a central portion of the rear wheel axle.” Thus, Applicant respectfully submits that the drawings show every element of the amended claims.

With respect to the objection to the specification, the informalities noted in the outstanding Office Action, and other informalities, are corrected. With respect to the specification’s description of the motor being above the center of the rear wheel axle, Applicant notes that Fig. 4 shows motor 15 extending above a central axis of the rear axle 18. The specification is amended to describe the motor as being above a central axis of the rear wheel axle and being in front of the rear wheel axle.

Thus, Applicant respectfully submits that the objection to the specification is overcome.

With respect to the rejection of Claims 1-6 under 35 U.S.C. §112, first paragraph, Applicant respectfully submits that the amendment to Claim 1 overcomes this rejection. As stated above, Claim 1 is amended to remove “the front and rear wheels driven via a rotation of a rear wheel axle extending from a gear case connected to a driving motor.” Thus, the claimed subject matter is described in the specification and the rejection under 35 U.S.C. §112, first paragraph, is overcome.

With respect to the rejection of Claims 1-6 under 35 U.S.C. §112, second paragraph, Claim 1 is amended to remove “straddle-type.” Thus, Applicants respectfully submit that the rejection under 35 U.S.C. §112, second paragraph is overcome.

With respect to the rejection of Claim 1 under 35 U.S.C. §103(a) as unpatentable over Nakamori, Applicant respectfully submits that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*, “the motor positioned on one side of the vehicle in a vehicle width direction, and the gear case positioned on another side

of the vehicle in the vehicle width direction.” Nakamori does not describe or suggest this element of amended Claim 1.

In a non-limiting embodiment of the claimed invention shown in Fig. 3 of the present application, motor 15 is positioned on a left side of the vehicle in a vehicle width direction, and gear case 16 is positioned on a right side of the vehicle in a vehicle width direction.

As shown in Fig. 1 of Nakamori, motor 35 is located in the center of the width of vehicle 10. Motor 35 is not positioned on one side in a vehicle width direction. Furthermore, Nakamori does not show a gear case.

Furthermore, Scaduto, Lamoreaux, and Muller-Werth do not cure the above-noted deficiencies in Nakamori.

Fig. 2 of Scaduto shows two motors 3, one on each side of the vehicle. However, Scaduto does not describe or suggest a gear case, nor the location of a gear case.

Lamoreaux, at col. 2, lines 28-29, states that motor 32 is located “centrally of the vehicle.” Thus, the motor is not positioned on one side of the vehicle. In addition, Lamoreaux, at col. 2, lines 28-29, and Fig. 2 describe motor 32 as being driven by chains and sprockets. However, Lamoreaux does not disclose or suggest that a gear case is positioned on another side of the vehicle, with respect to the position of the engine.

Muller-Werth does not disclose where, relative to a vehicle, the motor 20 is located. In addition, Muller-Werth does not disclose a gear case, or the location of a gear case.

Thus, Scaduto, Lamoreaux, and Muller-Werth do not describe or suggest the claimed “the motor positioned on one side of the vehicle in a vehicle width direction, and the gear case positioned on another side of the vehicle in the vehicle width direction.”

Application No. 10/694,010  
Reply to Office Action of August 26, 2005

In view of the above-noted distinctions, Applicant respectfully submits that amended Claim 1 (and Claims 2-7) patentably distinguish over Nakamori, Scaduto, Lamoreaux, and Muller-Werth, taken alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Attorney of Record  
Registration No. 25,599

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Raymond F. Cardillo, Jr.  
Registration No. 40,440

I:\ATTY\JW\244582US\244582US\_AM DUE 12-26-05-REVISED.DOC

Scott A. McKeown  
Registration No. 42,000